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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,965	07/20/2006	Volker Entenmann	095309.57283US	5401
23911 7590 05/05/2009 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			EXAMINER FAN, HONGMIN	
			ART UNIT 2612	PAPER NUMBER
			MAIL DATE 05/05/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/564,965

Applicant(s)

ENTENMANN ET AL.

Examiner

HONGMIN FAN

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12, 13, 15-18, 20-22, 24-26, 28 and 32-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12, 13, 15-18, 20-22, 24-26, 28 and 32-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of the Claims

1. Claims 12-13, 15-18, 20-22, 24-26, 28, 32-34 are currently pending.

Claim Objections

2. Claim 25 is objected to because of the following informalities: line 1, "... claim 14, " should be --- ... claim 12, ---. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Saito et al (US Pub. 2001/0008992).

As to claim 13, referring to Fig. 2, Saito et al disclosed a monitoring device for vehicle having claimed limitations, wherein if the expected timing of collision is earlier than a prescribed timing, under the decision that there is a high degree of danger, an audio guidance signal is issued so that the speaker 71 announces that "Collision occurs", "Immediately avoid the collision". On the other hand, if the expected timing of collision is not earlier than the prescribed timing, under the decision that there is a low degree of danger, the audio guidance signal is issued so that "Collision may occur", "Pay attention" (§0088).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 12, 15-18, 20-22, 24-26, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al (US Pub. 2001/0008992) in view of Iwasaki et al (US 6097311).

As to claims 12 and 15-16, referring to Fig. 2, Saito et al disclosed a monitoring device for vehicle wherein if the expected timing of collision is earlier than a prescribed timing, under the decision that there is a high degree of danger, an audio guidance signal is issued so that the speaker 71 announces that "Collision occurs", "Immediately avoid the collision". On the other hand, if the expected timing of collision is not earlier than the prescribed timing, under the decision that there is a low degree of danger, the audio guidance signal is issued so that "Collision may occur", "Pay attention" (§0088). An image display signal is issued to display the images picked up by the CCD cameras 11 on the display 61, and a display frame signal is issued to display a display frame encircling the object with possibility of collision (§0089, line 1-4).

Saito did not disclose a warning includes a type of danger. However, it is well known in the art to have a warning including a type of danger. Iwasaki et al teach a warning device for vehicle wherein when this judgment finds the rear-end collision alarm as the answer, the rear-end collision alarm is displayed, namely the red color LED 22c disposed in the display part 10 is flickered (step S123). When the judgment finds the car-to-car alert alarm as the answer, the car-to-car alert alarm is displayed, namely the orange color LED 22b or the green color LED 22a is

lighted (col. 17, line 20-30).

Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to incorporate a warning including a type of danger in Saito's system since it is known in the art.

As to claim 17, Saito et al disclosed that object position detecting means 51a for detecting positions of an object on the periphery of a vehicle at prescribed time intervals; expected object locus computing means 51b for computing an expected locus of the object on the basis of the positions of the object detected by the object position detecting means; expected vehicle locus computing means 51c for computing an expected locus of the vehicle; and danger determining means 51d (i.e. evaluating) for determining whether or not there is a danger of collision between the object and the vehicle on the basis of both the expected loci of the object and the vehicle (¶0010, line 4-14).

As to claim 18, the claim is interpreted and rejected as claim 12.

As to claim 20, the claim is interpreted and rejected as claim 12.

As to claim 21, the claim is interpreted and rejected as claim 12.

As to claim 22, Saito et al disclosed that object position detecting means 51a for detecting positions of an object on the periphery of a vehicle at prescribed time intervals; expected object locus computing means 51b for computing an expected locus of the object on the basis of the positions of the object detected by the object position detecting means; expected vehicle locus computing means 51c for computing an expected locus of the vehicle; and danger determining means 51d (i.e. evaluating) for determining whether or not there is a danger of collision between the object and the vehicle on the basis of both the expected loci of the object and the vehicle

(0010, line 4-14).

As to claim 24, the claim is interpreted and rejected as claim 12.

As to claim 25, the claim is interpreted and rejected as claim 12.

As to claim 26, the claim is interpreted and rejected as claim 12.

As to claim 28, the claim is interpreted and rejected as claim 17.

5. Claims 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al in view of Iwasaki et al, further in view of Yang (US 2002/0154007).

As to claim 32, Saito et al did not disclose the voice output provides the danger distance indication in a form of a number. However, it is well known in the art to provide such voice warning so that the drive would know exactly what distance is from an obstacle. Yang teaches a car alerting system the wherein distance signal is processed by a speech alerting module 273 so that the distance from the backside of the car to the obstacle is detected by the car reverse sensor 23 and is outputted as speech (¶0017, line 10-16). Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to have the voice output providing the danger distance indication in a form of a number in Saito's system so hat the drive would know exactly what distance is from an obstacle.

As to claim 33, the claim is interpreted and rejected as claim 32.

As to claim 34, the claim is interpreted and rejected as claim 32.

Response to Arguments

6. Applicant's arguments filed 2/13/2009 have been fully considered but they are not

persuasive.

a) Applicant argues the combination of Saito and Iwasaki does not render amended claim 12 obvious. The Office Action states that it would have been obvious to modify Saito to include the warning of Iwasaki "since it is known in the art". Merely because something is known in the art does not mean that it would have been obvious to combine with another disclosure, but instead there must be some clearly articulated reason why one skilled in the art would have reached the conclusion of obviousness.

Since it is known in the art to display the type of danger and Saito's device already has a display, it is reasonable to use the display to provide additional information, such as which direction of danger is occurring (as used by Saito) or what type of danger is occurring.

b) Applicant argues that if the Office Action relies upon the announcements of "Collision may occur", "Pay attention" as corresponding to the claimed "danger distance indication", then based on this reasoning the statements "Collision occurs" and "Immediately avoid the collision" should likewise be considered as a danger distance indication.¹ In contrast to this interpretation of Saito that results in danger distance indications being output under situations of both high and low degree of danger, claim 13 recites that the danger distance indication is output "for a determined first urgency level, and not for a determined second level of urgency."

One of ordinary skills in the art clearly recognizes that "Collision may occur", "Pay attention" mean a collision is avoidable, i.e., a distance threshold has not been crossed; while "Collision occurs" and "Immediately avoid the collision" mean the distance threshold has been crossed, and the distance between the vehicle and the foreign object is unknown; Therefore "Collision occurs" and "Immediately avoid the collision" has no inherent mean of a distance.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hongmin Fan whose telephone number is 571-272-2784. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HF

/Daniel Wu/

Supervisory Patent Examiner, Art Unit 2612